

Appl. No. 09/630,900
Amendment Dated August 19, 2003
Responsive to Final Action of April 25, 2003

REMARKS

Applicant acknowledges the Final Action dated April 25, 2003 and the courtesy of the Examiner in extending to Applicant's attorney a telephone interview on August 5, 2003. Pursuant to the statements made by Applicant's attorney during the interview, and in view of the foregoing amendments to the application and the following remarks, Applicant respectfully requests reconsideration and allowance of the application as amended.

Consistent with a suggestion by the Examiner, the specification has been amended to conform in language supporting the claims now in the application. No new matter is added by the amendment, as the added description is fully supported both by original Claim 1 as filed and by the drawing, particularly Figs. 1 and 4. Claim 1 as originally filed described side and bottom walls for both the fluid vessel and the heating vessel forming an interior heating chamber, and Figs. 1 and 4 clearly illustrate that the heating chamber extends across the bottom wall and the height of the side walls of the fluid vessel and that the heat transfer liquid fills at least the bottom space and substantial portions of the side spaces of the heating chamber.

Applicant appreciates the Examiner's indication of allowable subject matter in Claim 10, subject to its being written in independent form to include the limitations of the claims on which it was dependent. Claim 10 has thus been rewritten, and its formal allowance is respectfully requested.

In addition to the allowance of Claim 10, Applicant request reconsideration of Claims 1-9 as currently amended. Applicant submits that no new issues are presented by the claims as amended, only that the claims more particularly point out the invention as contemplated by the application as originally filed. Notwithstanding the references on which the Examiner has relied, namely U.S. Patents No. 5,582,680 to VanKouwenberg ("VanKouwenberg '680"); No. 5,348,623 to Salmon ("Salmon") and No. 4,141,708 to Grosse ("Grosse"), Applicant suggests that the subject matter of Claim 1, e.g., as now amended, would not have been obvious to one skilled in the art even with knowledge of the cited references. While the invention of the present application is directed to substantially the same purpose as that of VanKouwenberg '680, neither that reference nor Salmon, whether taken singly or in combination, contemplates a wastewater treatment apparatus in which an interior heating chamber co-extensive with and surrounding the bottom and side walls of the

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wastewater fluid vessel contains a heat transfer liquid that fills the bottom space and substantial portions of the side spaces of the heating chamber, and a heating element immersed in the liquid to heat the liquid sufficient to evaporate the wastewater but not the liquid. Whereas Salmon uses an evaporable liquid to heat water in Figs. 1-5, Salmon does not use such a liquid to distill the water in Figs. 6-12, but rather creates the steam by inserting a heating element into the water being distilled. As such, Applicant would submit that without knowledge of the present invention, Salmon would not have been combined with VanKouwenberg '680 to teach the present invention as now claimed in Claim 1. Nor can it be said that the references, whether considered singly or in combination, disclose or contemplate any of the claims dependent on Claim 1.

The remaining prior art of record has been noted, but Applicant does not believe that these references either anticipate or make obvious the invention as claimed, whether taken singly or in combination.

In view of the foregoing amendment and remarks, it is believed that the application is now in condition for a notice of allowability, and such action is respectfully requested. Because of the final rejection, however, Applicant earnestly requests an early review of this amendment and if necessary a call by the Examiner to the undersigned attorney Applicant to resolve any differences remaining.

Respectfully submitted,

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